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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

HAROLD PATRICK FAVORS,

Defendant and Appellant.

B195167

(Los Angeles County
Super. Ct. No. KA076091)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Charles Horan, Judge. Affirmed.

Ann Krausz, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Harold Patrick Favors was charged by information with one count each of possession of marijuana for sale and possession of cocaine (Health & Saf. Code, §§ 11359, 11350, subd. (a)). The information specially alleged that Favors had previously served two separate prison terms for a felony (Pen. Code, § 667.5).

Favors's motions to suppress illegally seized evidence (Pen. Code, § 1538.5), to set aside the information (Pen. Code, § 995), and to replace appointed counsel (*People v. Marsden* (1970) 2 Cal.3d 118) were heard and denied. He was tried by a jury.

The evidence adduced at trial was Harold Bowers, the manager of a Motel 6, contacted Pomona Police Department to report his suspicions that drug transactions were being conducted in one of the rooms. Responding officers Rolando Betancourt and Mark Shannon knocked on the motel room door. Favors answered and invited the officers to enter the room after telling them he was not selling narcotics. Robyn Buie, Favors' girlfriend, was in bed, apparently awakened by the officers' arrival. Once inside the room, Officer Betancourt smelled marijuana smoke and asked Favors whether he had any illegal drugs in the room. Favors responded that he smoked marijuana and directed the officers to an ashtray on a nightstand. The ashtray contained two smoked marijuana cigarettes. Protruding from a box on a lower shelf were four clear plastic baggies containing a total of 11 grams of marijuana. Also found were two pieces of rock cocaine wrapped in cellophane. Favors insisted all of the marijuana was for his personal use; he did not sell narcotics. Both Favors and his girlfriend testified the two officers entered the motel room without permission.

The jury convicted Favors as charged. In a bifurcated proceeding, he admitted the special allegations. The trial court sentenced Favors to a four-year state prison term, consisting of a two-year middle term for possessing marijuana for sale, a concurrent two-year middle term for possessing cocaine, plus two one-year prior prison term enhancements. Favors was awarded 45 days of presentence credit (30 actual days and 15 days of conduct credit). The court also imposed a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)), a \$20 court security fee (Pen. Code § 1465.8, subd. (a)(1)),

and a \$50 lab fee plus penalty assessments (Health & Saf. Code, § 11372.5, subd. (a)). The court imposed and suspended a \$200 parole revocation fine (Pen. Code, § 1202.45).

We appointed counsel to represent Favors on appeal. After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On March 19, 2007, we advised Favors he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Favors’s attorney has fully complied with the responsibilities of counsel and that no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.) The judgment is affirmed.

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ZELON, J.

We concur:

PERLUSS, P. J.

WOODS, J.